IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3596 of 2005

Between:

K.Prathap, S/o. K.Narayana, aged 34 years, Occ: Sarpanch, Gurukunta Village, Nawabpet Mandal, MahaboobNagar District.

... PETITIONER

AND

1. Commissioner, Panchayat Raj, Himayat Nagar, Hyderabad.

2. District Collector, Panchayat Raj Wing, Mahaboob Nagar district, Mahaboob Nagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or writs or order or direction more particularly in the nature of writ of mandamus by declaring the order passed by the District Collector (Panchayat Wing), Mahaboob Nagar vide Proceedings, No.A2/1517/2004 dated 15-2-2005 under Section 249 (1) and its consequential order under Section 265 dated 15-2-22004 vide proceedings No.A2/1517/2004 of Andhra Pradesh Panchayat Raj Act, 1994 as illegal, arbitrary against the provisions of Andhra Pradesh Panchayat Raj Act, 1994 and Rules and violative of principles of natural justice, and to direct the respondents to re-instate the petitioner into the post of Sarpanch of Gurukunta Village, Nawabpet Mandal, Mahaboob Nagar District.

Counsel for the Petitioner: SMT.A.ANASUYA

Counsel for the Respondent No.2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.1: Mrs. G.Jyothi Eswar.

The Court at the stage of admission made the following:

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ORDER:

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The petitioner is the elected Sarpanch of Gurukunta Grampanchayat, Nawabpet Mandal, Mahaboobnagar District. By order dated 15-02-2005 passed by the 2nd respondent under Section 249(1) of the A.P. Panchayat Raj Act, 1994, the petitioner was removed from the office on the allegation of misappropriation of Grampanchayat funds. There was also a direction to recover the said amounts from the petitioner as arrears of land revenue.

Aggrieved by the said order dated 15-02-2005, petitioner has filed an appeal before the 1st respondent under Section 249(7) of the Act together with an application to stay the proceedings of the 2nd respondent dated 15-02-2005. The petitioner alleges that the 1st respondent failed to consider his appeal and no orders have been passed even on his application for stay so far, but in the meanwhile, the respondents are taking steps to implement the order dated
15-02-2005. Hence, this writ petition, seeking a declaration that the order of the 2nd respondent dated 15-02-2005 is arbitrary and illegal.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the respondents, since admittedly the

statutory appeal is pending against the impugned order, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent to dispose of the application for stay filed by the petitioner in his appeal against the order dated
15-02-2005, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the impugned order dated 15-02-2005 shall not be given effect to.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 25-02-2005

Note: Furnish C.C. in two days

B/o.

LSK

ASSISTANT REGISTRAR

To

1. Commissioner, Panchayat Raj, Himayat Nagar, Hyderabad.

2. District Collector, Panchayat Raj Wing, Mahaboob Nagar District, Mahaboob Nagar.

3. Two C.Cs. to the Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad. (O.U.T.)

4. C.D. copies.